

Notice of Allowability

Application No.

09/911,650

Examiner

Mulubrhan T. Tecklu

Applicant(s)

FLORES ET AL.

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/06/06.
2. ☒ The allowed claim(s) is/are 1-5 and 8-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. This action is responsive to the Applicant's Amendment filed on 01/06/06.
2. Claims 1-5 and 8-13 are allowed.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appear below. Should the change and/or additions be unacceptable to the Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such amendment, it MUST be submitted no later than the payment of issue fee.

Authorization for examiner's amendment was given in a telephone interview with Mr. Marc A. Boillot Registration No. 56, 164 on 03-07-2006. The amendment was made to clarify the claim language as follows:

In the claim:

At line 9-11 of claim 5, change

"building a workload from said work request by replacing redundant command sequence in said work request with said command pattern; and"

"executing said copied commands workload for responding to said work request." to

"building a workload from said work request by replacing redundant command sequences in said work request with said command pattern by"

"assembling at least one reference command object with other reference command object copied into a configuration file to create said workload; and"

"executing said copied commands workload for responding to said work request[[]]."

"wherein said reference command objects are combinable for dynamically adjusting the reallocation, redistribution, and rescheduling of resources across multiple e-business systems."

In the claim:

At line 11-15 of claim 12, change

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“building a workload from said work request by replacing redundant command sequence in said work request with said command pattern; and”

“executing said ~~copied commands~~ workload for responding to said work request.” to

“building a workload from said work request by replacing redundant command sequences in said work request with said command pattern by”

“assembling at least one reference command object with other reference command object copied into a configuration file to create said workload; and”

“executing said copied commands workload for responding to said work request[.].”

“wherein said reference command objects are combinable for dynamically adjusting the reallocation, redistribution, and rescheduling of resources across multiple e-business systems

Authorization for examiner to cancel claims 6 and 7 was given in a telephone interview with Mr. Marc A. Boillot Registration No. 56, 164 on 03-14-2006.

Allowable Subject Matter

4. The following is an examiner's statement of reasons for allowance:

Prior art record, Saw et al., taken either singly and/or in combination with other cited prior arts, do not teach or disclose a method as recited in independent claims 1 and 5, a machine readable storage as recited in claims 8 and 12 as pointed out by applicant on pages 13-16 of remark filed on 01/06/06 with the following features:

Assembling said at least one referenced command objects with other reference command objects copied into said configuration file to create said workload; wherein said reference command objects are combinable for dynamically adjusting the reallocation, redistribution, and rescheduling of resources across multiple e-business systems.

The closest prior art is Saw: U.S. Patent 5,345,450, which teaches the generation of sufficient simulation data to automatically generate a test program from the simulation data is presented. The vector input and output data are specific for the device being tested and the system requires an understanding of the from a programmatic perspective in order to ensure appropriate functionality of the simulator. In addition Saw teaches the duplication of the input vectors for the purpose of expanding the set of test vectors used to generate the test program..

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However, Saw et al., taken either singly and/or in combination with other cited prior arts, do not teach or disclose a method as recited in independent claims 1 and 5, a machine readable storage as recited in claims 8 and 12 as pointed out by applicant on pages 13-16 of remark filed on 01/06/06 with the following features:

Assembling said at least one referenced command objects with other reference command objects copied into said configuration file to create said workload; wherein said reference command objects are combinable for dynamically adjusting the reallocation, redistribution, and rescheduling of resources across multiple e-business systems.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mulubrhan T. Tecklu whose telephone number is 5712727957. The examiner can normally be reached on M-TH from 9:30P-8:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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WEI ZHEN
SUPERVISORY PATENT EXAMINER